

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ARTHUR C. RUPERT, LINDA K. AUSTIN,  
LARRY L. CAMPBELL, KENNETH J. HUNT  
and WADE C. BITTNER, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

PPG INDUSTRIES, INC.,

Defendant.

07cv0705

**ELECTRONICALLY FILED  
LEAD CASE**

ARTHUR C. RUPERT, LINDA K. AUSTIN,  
LARRY L. CAMPBELL, KENNETH J. HUNT,  
WADE C. BITTNER on behalf of themselves  
and all others similarly situated,

Consolidated Plaintiffs,

v.

PPG INDUSTRIES, INC.,

Consolidated Defendants.

08cv0616

ORDER OF COURT ADOPTING REPORTS AND RECOMMENDATIONS  
OF SPECIAL MASTER AT DOCUMENT NOS. 123, 124 AND 126

After careful consideration of the various motions for summary judgment and the briefs and supporting materials, the Special Master's Reports and Recommendations at documents nos. 123, 124 and 126, the objections thereto (doc. nos. 128 and 129), and the respective responses to objections (doc. nos. 130, and 131), the Court adopts said Special Master's Reports and Recommendations, and enters the following Order on the pending motions for summary judgment:

Defendant's Motions for Summary Judgment as to Plaintiffs Hunt and Bittner (doc. nos. 75 and 83) are GRANTED with prejudice as to Plaintiffs Hunt and Bittner's claims as class representatives on behalf of others similarly situated, and as to their individual claims to the extent such individual claims rely on the charges Plaintiffs Hunt and Bittner filed with the EEOC.

Defendant's Motions for Summary Judgment as to Plaintiffs Rupert, Campbell, and Austin (doc. nos. 77, 79 and 81) are DENIED with regard to issues not relating to the Separation Agreement and Releases executed by Plaintiffs Rupert and Campbell, which are the subject of the Report and Recommendation at doc. no. 124, and with regard to issues regarding the Separation Agreement and Releases executed by Plaintiffs Rupert and Campbell, which are the subject of the Report and Recommendation at doc. no. 126.

Plaintiffs' Motion for Summary Judgment with regard to the Separation Agreements and Releases (doc. no. 85) is DENIED in part as moot, insofar as it relates to Defendant's previously withdrawn Fourth Affirmative Defense, and otherwise is GRANTED; (ii) Defendant's Second Affirmative Defense is STRICKEN with prejudice; and (iii) judgment is entered in favor of Plaintiffs on Defendant's Counterclaim with prejudice to Defendant's right to bring a Counterclaim based on breach of contract, but without prejudice to Defendant's right to file an Amended Counterclaim for restitution or on theories other than breach of contract.

**SO ORDERED** this 26th day of February, 2009.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties